



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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JUNE 25, 2007

Regular meeting of the City Council held on Monday June 25, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Schafer, Juare, Webster, Clancy and Towle. Councilors absent: none. Meeting adjourned at 10:40 p.m.

ORDERED: Minutes, City Council meeting, June 11, 2007, accepted as amended, **FILE**; adopted.

ORDERED: Presentation to the City Council by the Sign Ordinance Review Committee, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD**; adopted

ORDERED: Now being the time set for the PUBLIC HEARING on the application John D. Loureiro for Juniper Farms/Bolton Oil Inc., 888 Pleasant St., map 15, parcel 1 for a FUEL STORAGE LICENSE to store aboveground 1 (one) 20,000 gal tank, 3(three) 15,000 gal tanks, 1 (one) 10,000 gal tank #2 fuel oil and 1 (one) 5,000 gal tank kerosene, all were heard who wish to be heard, hearing adjourned at 8:35 p.m., **IN PUBLIC SERVICES COMMITTEE**; adopted

ORDERED: That the following transfer in the amount of \$50,196.88 to ratify Marlborough Police Command contract, refer to **FINANCE COMMITTEE**; adopted

FROM:

Acct: #11990006-57820 \$17,487.00

Reserve for Salaries

Acct: #11990006-51500 \$32,709.88

Fringes

TOTAL: \$50,196.88

TO:

Acct: #12100001-50500 \$4,305.21

Captains

Acct: #12100001-50510	\$9,740.52
Lieutenants	
Acct: #12100001-50820	\$17,726.28
Sergents	
Acct: #12100003-51226	\$687.45
First Response	
Acct: #12100003-51310	\$5061.21
Overtime	
Acct: #12100003-51430	\$1354.79
Longevity	
Acct: #12100003-51440	\$4743.68
Educational Incentive	
Acct: #12100003-51450	\$817.40
Night Differential	
Acct: #12100003-51490	\$2004.24
Holiday	
Acct: #12100003-51920	\$3656.10
SLBB	

TOTAL: \$50,196.88

ORDERED: That the following intradepartmental budget transfer in the amount of \$28,051.46 on behalf of the Public Facilities Department, **APPROVE**; adopted

FROM:

Acct: #11920006-52150 \$2,000.00
Street Lighting

TO:

Acct: #11920001-50385 \$2,000.00
Electrician-cover deficit in this operating expense

FROM:

Acct: #11920006-52150 \$1051.46
Street Lighting

TO:

Acct: #11920003-51920 \$1051.46
Sick Leave Buy Back-reimbursement relative to an employee resignation

FROM:

Acct: #11920006-52150 \$25,000.00
Street Lighting

TO:

Acct: #11920006-53999 \$25,000.00
Other Services-HVAC repairs at both the Library and Police Station

ORDERED: The following transfer of \$4832.09 to fund the deficit of Call Fire Overtime **APPROVE**, adopted. (Councilor Juairé abstained)

FROM:

Acct: #12200003-51490 \$3,261.90
Holiday Pay

TO:	
Acct: #12200003-51328	\$3,261.90
Call Fire Overtime	
FROM:	
Acct: #12200003-51481	\$93.92
Training Special Service	
TO:	
Acct: #12200003-51328	\$93.92
Call Fire Overtime	
FROM:	
Acct: #12200003-51480	\$1476.27
EMT-Portion of unused balance	
TO:	
Acct: #12200003-51328	\$1476.27
Call Fire Overtime	

Suspension of the Rules requested to allow Chief Leonard to speak-granted, adopted
ORDERED: That the following intradepartmental budget transfer to fund a variety of
 Police Department payroll accounts, **APPROVE**; adopted

FROM:	
Acct: #12100001-50510	\$16,223.00
Police Lieutenants	
TO:	
Acct: #12100001-50820	\$16,223.00
Police Sergeants	
FROM:	
Acct: #12100001-50420	\$150.42
Police Officers	
TO:	
Acct: #12100001-50140	\$150.42
Police Chief	
FROM:	
Acct: #12100001-50420	\$2,290.53
Police Officers	
TO:	
Acct: #12100003-51490	\$2,290.53
Police Chief	
FROM:	
Acct: #12100001-50420	\$423.78
Police Officers	
TO:	
Acct: #12100003-51213	\$423.78
Public Safety Dispatcher	

FROM:

Acct: #12100001-50435 \$1,334.57

Police Specialists

TO:

Acct: #12100001-50510 \$1,334.57

Police Lieutenants

ORDERED: As per its contract with Verizon, the City of Marlborough has been provided with a grant in the amount of \$669,150. In the first of three payments, \$223,050 has been received by the City. This PEG grant provides money to be used for PED equipment and facilities, an institutional network/video transport facility, or related technological purposes.

The funds would be apportioned as follows: 58% to Information Technology Account No. 29034309-43200 and 42% to the Marlborough Public Schools Account No. 85000-48320, **APPROVE**; adopted.

ORDERED: That the Marlborough Police Department has recently been awarded \$11,100 in a training grant from the Statewide Emergency Telecommunications Board. This reimbursement grant will be used for course fees and overtime payroll costs relative to the training for the Emergency 911 dispatchers **APPROVE**; adopted.

ORDERED: That the Marlborough Fire Department has recently been awarded \$5,009.10 in a grant from Saint-Gobain Ceramics & Plastic, Inc. As part of Saint-Gobain's expansion, the fire department identified a need for radio I interoperability with surrounding mutual aid responding communities in the event of an emergency at the site. These funds provided by the property owner will be used to purchase two-way, hand-held portable radios and associated battery charging equipment, **APPROVE**; adopted. (Councilor Juaira abstained)

ORDERED: Communication from Mayor re: the promotion of Sgt. Amoros to Lt. of the Marlborough Police Department, **FILE**; adopted.

ORDERED: Communication from Mayor re: the appointment of James Diamond, Jr. to the Marlborough Fire Department, **FILE**; adopted.

Suspension of Rules requested to allow the Mayor to speak-granted; adopted

ORDERED: That the following budget transfer in the amount of \$10,000 re: the Worcester Regional Transit Authority, who has recently informed the City that The Local Connection will close operation for fiscal year 2007 with an unanticipated \$20,000 deficit which would be shared equally between the City of Marlborough and Town of Southborough. Efforts commenced third week of May eliminating all administrative services as well as twice reducing a daily cap on riders; while it stemmed any potential additional losses, this was unsuccessful in eliminating the deficit.

In order to allow for continued services to the residents of the City who find The Local Connection invaluable as a means of transportation for employment, medical, senior-related activities, **APPROVE**; adopted.

FROM:

Acct. #100-35900

\$10,000.00

Undesignated Funds

TO:

Acct. # 1121004-53140

\$10,000.00

Contract Services

MOTION: That agenda #14, the communication from the City Solicitor regarding the Special Permit for St. Mary's of French Hill Redevelopment, LLC be moved to agenda #35, **APPROVE**; adopted.

MOTION: That agenda #15, the communication from the City Solicitor regarding the Special Permit for Ompoint WCF at 265A Lakeside Ave. be moved to agenda #36, **APPROVE**; adopted.

ORDERED: Communication from Atty. Barbieri for Carlos Ferreira requesting to extend the agreement of the Spc. Permit for 69 South St. until 5:00 p.m. on November 20, 2007, **APPROVE**; adopted

ORDERED: Application from Atty. Bergeron requesting a sewer connection permit for St. Mary's French Hill Redevelopment LLC on Broad St, refer to **PUBLIC SERVICES AND DPW COMMISIONER**; adopted.

ORDERED: Notice of Project Change, Assabet River, Town of Hudson, **FILE**; adopted

ORDERED: Notice from Mosquito Control Project re: investigate resident's complaints about mosquitoes in the following dates: July 5, 11, 18, 25; August 1, **FILE**; adopted

ORDERED: "TransReport", June 2007, **FILE**; adopted

REPORTS OF THE COMMITTEES

Councilor Webster reported the following out of the Public Services Committee.

Order No. 07100-1599 - Re: application of John D. Loureiro for Juniper Farms /Bolton Oil Inc., 888 Pleasant Street, Map 15 Parcel 1 for FUEL STORAGE LICENSE to aboveground 1 (one) 20,000 g. tank; 3 (three) 15,000 gal tanks, 1 (one) 10,000 gal tank #2 fuel oil and 1 (one) 5,000 gal tank. **Vote / Action taken: Tabled until after Monday's public hearing.**

Order No. 07100-1560A - Re: application of Mass Electric and Verizon New England for joint or identical pole location on Clover Hill St (Plan #2007-55). Assistant City Engineer recommends approval with the necessary permitting required through DPW. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 07100-1574A – Re: application of Mass Electric and Verizon New England Inc. to install one new pole #29 on Solomon Pond Road. Assistant City Engineer recommends approval with the necessary permitting required through DPW. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 07100-1575A – Re: application of Mass Electric and Verizon New England Inc. to install new conduit on Valley St. Assistant City Engineer recommends approval with the necessary permitting required through DPW. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 07100-1600: - Re: application of Richard Roach d/b/a HUDMAR LTD., 270 Main Street for renewal of JUNK DEALER’S LICENSE. **Subject to report from Police Chief and submission by applicant of certificate of good standing to the City Clerk’s Office. Recommendation of the Public Services Committee is to approve 3-0**

Councilor Ossing reported the following out of the Finance Committee.

Order No. 07100-1589 – Re: “**Transfer \$200,000 to the Robin Hill Street Water/Sewer Stabilization Fund.**” from the Undesignated Stabilization Account to the Robin Hill Street Water/Sewer Stabilization Fund. These are the mitigation funds from New England Development. The FINCOM noted that the correct account number for the funds to be transferred to is 83600-32712. The new total for this fund will be \$405,000. **Recommendation of the Finance Committee is to approve 4 – 0.**

Order No. 07100-1590 – Re: “**Transfer \$210,000 to the Affordable Housing Stabilization Fund.**” from the Undesignated Stabilization Account to the Affordable Housing Stabilization Fund account #83600-32718. These are the mitigation funds from Toll Brothers special permit (Condition 25) for the Crowley Drive development. **Recommendation of the Finance Committee is to approve 4 – 0.**

Order No. 07100-1591 – Re: “**Transfer \$10,000 to the Inspectional Services Stabilization Fund.**” from the Undesignated Stabilization Account to the Inspectional Services Stabilization Fund account #83600-32717. These are the mitigation funds from New England Development. **Recommendation of the Finance Committee is to approve 4 – 0.**

Councilor Ferro reported the following out of the Operations & Oversight Committee.

Order No. 07100-1598 Re: the sole bid to the City’s RFP for 91 Main Street (old fire / police station) with an offer of \$850,000.00. WRT Management’s submittal is advantageous for a number of reasons. The development plan outlined reflects our collective vision for the property by including a food establishment on the lower level in the former vehicle bays with office space on the upper level. WRT Management remains interested in the single land parcel of 91 Main Street citing no requirements for additional parcels. In addition, the property would be owner-occupied thereby allowing for a vested interest in maintenance and upkeep for this every visible location.

The Committee discussed proposal by WRT Management. Discussion included required repayment of 209,950.00 of grant funds to the CDA after sale.

Reports of Committees – continued

The Chairman read an opinion from Diane Sullivan, CDA Director, indicating the necessity of repaying 209,950.00 from the point the property generates income, including sale or rental income.

The Committee also received a packet from the Mayor and Public Facilities Director discussing rental options and repayment of CDBG funds to the CDA.

Motion made by Councilor Katz; seconded by Chair; to recommend approval of the proposal for purchase of the Olde Fire Station by WRT Management Corp. in the amount of \$850,000.00 with WRT’s agreement not to request a TIF agreement for the property from the City of Marlborough and the granting of easements by WRT to the City of Marlborough for the staircases (2) on Bolton and Main Street adjacent to the property. Recommendation of the Operations & Oversight Committee was 2 in favor-Ferro and Katz; 1 opposed-Levy.

Suspension of the Rules requested – granted; adopted

ORDERED: That the following transfer request in the amount of \$40,000.00 to provide funding for the preparation of two emergency action plans relative to the dams located within the City, one at Lake Williams and the other at Fort Meadow, **APPROVE** as recommended by the Finance Committee; adopted

FROM:

Acct. # 100-35900	\$40,000.00
Undesignated Fund	

TO:

Acct. # 14001104-53180	\$40,000.00
Professional & Technical Services	

Suspension of the Rules requested – granted; adopted

ORDERED: That the following transfer request in the amount of \$71,033.74 to fund the Department of Public Works Laborer contract, **APPROVE** as recommended by the Finance Committee; adopted

FROM:

Acct. # 11990006-57820	\$71,033.74
RESERVE FOR SALARIES	

TO:

Acct/ # 14001301-50740	\$19,729.95
OPERATORS	

Acct/ # 14001301-51920	\$ 920.59
SLBB	

Acct/ # 14001301-51310	\$ 1,220.32
OT	

Acct/ # 14001301-51470	\$ 177.37
INTERM FOREM	

Acct. #14001403-50745	\$ 4,039.11
MOTOR OPS	

Acct. #14001403-51310 OT	\$ 60.00
Acct. #14001403-51920 SLBB	\$ 572.40
Acct. #14001403-51470 INTERM FOREM	\$ 78.86
Acct. #1401503-50740 OPERATORS	\$18,321.18
Acct. #1401503-51920 SLBB	\$ 503.67
Acct. #1401503-51310 OT	\$ 809.98
Acct. #60081001-50750 OPERATORS	\$ 1,346.37
Acct. #60085001-50750 OPERATORS	\$ 1,346.37
Acct. #61090001-50460 WR READERS	\$ 1,346.37
Acct. #61090001-50740 OPERATORS	\$ 15,993.18
Acct. #61090003-51310 OT	\$ 4,042.09
Acct. #61090003-51920 SLBB	\$ 525.93

Suspension of the Rules requested – granted; adopted

ORDERED; That the following transfer request in the amount of \$22,720.94 t provide for the funding of the recently ratified Department of Public Works Foreman contract, **APPROVE** as recommended by the Finance Committee; adopted FROM:

Acct. #11990006-57820 Reserve for Salaries	\$22,720.94
TO:	
Acct. #14001301-50690 Foreman	\$ 6,938.04
Acct. #14001301-51430 Longevity	\$ 1,301.43
Acct. #14001403-50760 Work Foreman	\$ 1,107.27
Acct. #14001403-51430 Longevity	\$ 137.85
Acct. # 14001501-50690 Foreman	\$ 6,938.04
Acct. #14001501-51430 Longevity	\$ 763.58

Acct. #61090001-50690	\$ 4,918.53
Foreman	
Acct. #61090003-51430	\$ 616.20
Longevity	

Suspension of the Rules requested – granted; adopted

ORDERED: To accept the communication from the Planning Board re: amending the zoning map on Lakeside Ave., map 67, parcel 45, map 60, parcel 38 and the rezoning of Cook Lane, map 72, parcel 701 and map 71, parcel 238, **FILE**; adopted.

Suspension of the Rules requested – **Does not carry**; adopted

ORDERED: **Order No. 07-100-1547:** Communication from Mayor Stevens with the appointment of Diane Smith as City Auditor. Recommendation of the Personnel Committee is to APPROVE 3 – 0. (**To be placed on the July 23, 2007 agenda**); adopted

MOTION: Motion made to move agenda item #21 after agenda item #22, **APPROVE**; adopted.

ORDERED: That the **“Loan Order for the Westerly Treatment Plant Upgrades \$41,100,000.”**to upgrade the Westerly Treatment plant. The Mayor presented the timeline for the project as follows – final design complete by second quarter 2008 and construction to begin on June 30, 2008 and complete in 2 years. MOTION; To refer back to the Finance Committee, Does not Carry. MOTION made to APPROVE.

Motion to allow the Mayor to speak – granted; adopted

Yea: 7 – Nay: 4

Yea: Katz, Ferro, Juare, Webster, Clancy, Towle, Levy.

Nay: Schafer, Ossing, Pope, Vigeant.

Does not carry

To be placed on the July 23, 2007 agenda for reconsideration; adopted

ORDERED: The Mayor to provide a status report on the design, construction and budget for the upgrades of the Westerly Treatment Plant every two months to the City Council. The status report will include the following attributes:

- Problem Statement
- Project Scope
- Significant Issues
- Recent Accomplishments
- Schedule with Milestones (forecast date and actual date)
- Budget – summary of contracts issued and money expended

The first report is due on August 1, 2007 refer to the **MAYOR**; adopted

- ORDERED: That the City Council authorize the Sligo Water Tank Revolving fund account for FY08. The FINCOM reviewed the fund balance as of May 25, 2007 (\$445,708) and expenditures in FY07 (\$22,497.97). The Public Facilities Director indicated that the Water Tank would be repaired/painted before the end of 2007, **APPROVE**; adopted. (Councilor Ferro, Levy opposed).
- ORDERED: That the City Council authorize authorize the GIS Revolving fund account for FY08. The FINCOM reviewed the fund balance as of May 25, 2007 (\$2,182.60) and expenditures in FY07 (\$681.55), **APPROVE**; adopted. (Councilor Ferro, Levy opposed).
- ORDERED: That the City Council authorize authorize the Fairmount Hill Revolving fund account for FY08. The FINCOM reviewed the fund balance as of May 25, 2007 (\$112,657.65) and expenditures in FY07 (\$0.00), **APPROVE**; adopted (Councilor Ferro, Levy opposed).
- ORDERED: That the City Council authorize approve a budget line item to fund the salary of the City Planner for FY08 in the amount of \$12,716.08 with the estimated receipts from the site plan review process being used to offset the salary, **APPROVE**; adopted. (Councilor Ferro, opposed).
- ORDERED: That the transfer in the amount of \$80,720.59 from Account No. 11990006-57820 (Reserve for Salaries) to a variety of salary-related line items in numerous departmental budgets for the purpose of funding the Marlborough Municipal Employee Association contract, **APPROVE**; adopted.
- ORDERED: That the transfer in the amount of \$220,094.00 for funding the International Association of Firefighters, Local 1724 contract, **APPROVE**; adopted. (Councilor Juairé abstained).
- ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended be further amended by amending the Zoning Map established by Chapter 200 Zoning ordinance of the City of Marlborough, Section 200-8 "Boundaries Established, Zoning Map," Said map is amended by extending the Business District shown on a part of Assessor's Map 67 Parcel 45 to include the following land which is part of Assessor's Map 67 Parcel 45 and all of Assessor's Map 68 Parcel 30A. **First Reading, Suspended; Second Reading, Adopted; Passage to Enroll, Adopted; Passage to Ordain, Adopted. No objection to passage in one evening, APPROVE**; adopted.
- ORDERED: That the City Council **APPROVE** the Petition by the Marlborough City Council, as requested by the Department of Public Works Commissioner, Ronald LaFreniere, re: rezoning City of Marlborough land off Cook Lane, owned by the City of Marlborough for sewerage purposes, presently zoned as "Business", be rezoned as "Residence A-3", as it is contiguous to Assessor's Map 71 – Parcel 36 (4 separate parcels), which was rezoned from "Business" to "Residence A-3" in City Council Order No. 06100-1000B and as it is contiguous to Assessor's Map 71 – Parcel 236, which was rezoned from "Business" to "Residence A-3" in City Council order No. 06100-1129A. **First Reading, Suspended; Second Reading, Adopted; Passage to Enroll, Adopted; Passage to Ordain, Adopted. No objection to passage in one evening, APPROVE**; adopted.

- ORDERED; That the Application for the RENEWAL of the Junk Dealer's License for Carla Devine, 38 Flynn Avenue subject to applicant's filing of certificate of good standing with the City Clerk's Office.. (**Chief Leonard has no objection to the renewal of a Junk Dealer's License for Carla Devine**), **APPROVE**, adopted.
- ORDERED: That the appointment of Brian Murphy as an alternate to the Zoning Board of Appeals concurrent with providing notice of his resignation from the Youth Commission. This appointment is for 2 years and will expire on June 25, 2009, **APPROVE**; adopted.
- ORDERED: That the appointment of Camille Duridas to the Community Development Authority. Several years ago, the CDA was required to expand to include two additional members – one with experience in real estate and one with banking. With her 30 years as a realtor, Ms. Duridas would fulfill one of these requirements. This appointment is for 2 years and will expire on June 25, 2009, **APPROVE**; adopted.
- ORDERED: That the reappointment of Amy Loveless, to the Council on Aging, for a period of 3 years expiring April 30, refer back to **PERSONNEL COMMITTEE**; adopted. (Councilor Levy abstained).
- ORDERED: That the reappointment of E. Susan Ellis, as Personnel Director, for a period of 3 years expiring June 30, 2010, **APPROVE**; adopted..
- ORDERED: That the Application of Atty. Arthur Bergeron for **St. Mary's of French Hill Redevelopment LLC**, 69 Lowell Avenue, Newton, MA 02460 for a *Special Permit* per the Code of the City of Marlborough, Zoning, Article IV, Section 200, Paragraph 12, Sub-Paragraph B; Article V, Section 200, Paragraph 17; Section 200, Paragraph 18 (4) and MGL, c.40A, s.6. Applicant is requesting a *Special Permit* to produce a total of 36 residential units on the property located at 26 Broad Street, Marlborough, Massachusetts through the adaptive reuse of the former St. Mary's Church (10 units), the adaptive reuse of the former St. Mary's School (10 units), the adaptive reuse of the former St. Mary's Parish Rectory (5 units), and the construction of 11 new townhouse units in the rear of the premises. The entire development will be converted to a residential condominium having 36 units. **The City Council GRANTS the Special Permit to St. Mary's of French Hill Redevelopment, LLC, APPROVE**; adopted
- ORDERED: That the application of **Omnipoint Communications Inc. /T-Mobile USA** for installation, operation and maintenance of a wireless communications facility including without limitation; antennas, coaxial cables and radio communication equipment cabinets on an existing structure at 265-A Lakeside Avenue. **The City Council GRANTS the Special Permit to Omnipoint Communications Inc. /T-Mobile USA, APPROVE**; adopted
- ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:40 p.m, **FILE**, adopted.